a data storage adapted to retain historical consumer to business interaction data regarding a consumer;

means for receiving a communication from the consumer; and

a context generator for generating a context for the communication received from the consumer, the context being generated in accordance with historical consumer to business interaction data accessed in accordance with data obtained from the consumer communication.

(Amended) 19. The apparatus of claim 18, further comprising:

means for providing a response to the communication received from the consumer, the response incorporating data from the generated context.

(Amended) 20. The apparatus of claim 18, wherein the means for receiving a communication from the consumer is coupled to an access channel.

Please cancel claims 6 and 14.

REMARKS

In the Office Action dated April 28, 2003, Examiner rejected claims 1-12 as being directed to unpatentable subject matter under 35 U.S.C. 101 because the method claims did not result in a tangible and concrete result. Examiner rejected pending claims 1-4, 6, 8-11, and 18-20 under 35 U.S.C. 102(b) as being anticipated by Nonaka et al. (U.S. Pat. No. 5,485,544). Examiner also rejected claims 5 and 12 under 35 U.S.C. 103(a) as being an obvious modification of

Nonaka et al. Also, Examiner rejected claims 7 and 13-17 under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al. in view of Garrett (U.S. Pat. No. 6,473,738). For reasons set forth more fully below, Applicant respectfully submits that the pending claims as amended are neither anticipated nor rendered obvious by Nonako et al., alone or in combination with any other reference of record. Consequently, Applicant requests reconsideration of the amended claims.

35 U.S.C. § 101 Rejection

Claims 1-12 as amended are directed to a method that results in the generation of a context for a communication received from a consumer. The context is produced from the records of the historical interaction database that are selected in accordance with interaction data obtained from the communication received from the consumer. This set of data is concrete in the sense that it may be further used by displaying it to a consumer or by using it to determine the content of a responsive email or other communication that is delivered to a consumer. Thus, the context of a communication is related to a subset of data obtained from the historical interaction database with reference to data obtained from the consumer communication. Such manipulation of data for the purpose of responding to a consumer communication requires the electrical and physical operation of a business processing unit. Applicants, therefore, respectfully submit that the subject matter of claims 1-12 are patentable subject matter.

35 U.S.C. § 102 Rejection

In order for Nonaka et al. to sustain a rejection under 35 U.S.C. 102(b), Nonaka et al. must show each and every limitation of the claims. Nonaka et al., as noted by Examiner, is directed to a history sensitive help control. As disclosed in the specification of Nonaka et al., the history buffer stores past status data regarding an application program – not consumer/business interactions as required by the pending claims. See Nonaka et al. at col. 4, lines 43-49 and col. 5, lines 25-35. Consequently, Nonaka et al. does not operate on a database of consumer/business interactions to generate a context as required by the invention set forth in the pending claims.

Examiner also stated that Nonaka et al. taught the presentation of historical interaction data to a consumer. However, Nonaka et al. presents a help message to an application user and the help message does not come from the history buffer that stores past application status conditions. Thus, Nonaka et al. does not anticipate claims 4, 11, and 19.

Nor do Nonaka et al. render the pending claims obvious. There is no teaching or suggestion in Nonaka et al. that the system and method of that patent may be applied to a historical interaction database to generate a context corresponding to a consumer communication. Nonaka et al. do not teach or suggest the use of data from the help message request to generate a context from a historical interaction database. Rather, Nonaka et al. assumes that its *entire* history buffer is potentially related to the selection of a help message while the invention of the present application assumes that only the portion of the

historical interaction database specifically related to the consumer identified by the communication is important for the context generation. Thus, one of ordinary skill in the art would not use a system such as that taught by Nonaka et al. on a historical interaction database to generate a context for a communication received from a consumer.

35 U.S.C. § 103 Rejection

As explained above, one of ordinary skill in the art would not be motivated to modify the system and method of Nonaka et al. to produce Applicants' invention because the invention of Nonaka et al. does not operate on its history buffer to generate a context for a help message request. The system and method of Nonaka et al. operates on the history buffer to find conditions for identifying a help message for display. See col. 7, lines 3-13. The invention of claims 5, 7, and 12-17 do not use interaction data from a consumer communication to access the historical interaction database for the purpose of selecting a predefined help message or other response. Instead, the historical interaction database is accessed to generate a context for the consumer communication so a suitable response may be generated – not merely select a predefined message. The context of Applicants' invention may be displayed for the consumer or presented in an actionable format. These differences render the invention of claims 5, 7, and 12-17 sufficiently different from Nonaka et al. that one of ordinary skill in the art would not modify the system and method of Nonaka et al. in an effort to obtain a consumer communication context from a historical consumer/business interaction database.

Moreover, Garrett does not teach or suggest an email interactive system that is used to generate a context that depends upon the data obtained from a consumer communication. The history buffer in Garrett is a "list of parties" file, col. 6, lines 15-40, that is retrieved when a consumer is identified. That is, Garrett does not obtain information from a consumer communication that is used to generate a context for the communication. Instead, Garrett teaches that a consumer communication corresponds to one and only one previously stored "list of parties" file. In Applicants' invention, the content of the context depends upon the data obtained from the consumer communication so context generation does not simply consist of retrieving a previously stored context for a consumer. The "list of parties" file retrieval performed by Garrett simply does not equate to the context generation of Applicants' invention. Consequently, one would not use the teachings of Garrett to modify the system of Nonaka et al. to produce the system and method set forth in the pending claims.

Conclusion

In view of the forgoing remarks, Applicant submits that pending claims 1-5,

7-13, and 15-20 are in condition for allowance over all references of record.

Issuance of a notice of allowance in this application is earnestly solicited.

Respectfully submitted,

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1. A method of <u>operating a business processing unit to generate</u> [establishing] a context <u>for</u> [of] an interaction between a consumer and a business comprising [the steps of]:

storing historical interaction data between a consumer and a business <u>in a historical interaction database</u>, the historical interaction data regarding interactions between the business and the consumer;

receiving a communication from the consumer <u>through a device to obtain interaction data</u>;

accessing <u>in accordance with the obtained interaction data</u> historical interaction data regarding the consumer; and

<u>generating from</u> [processing] the <u>accessed</u> historical interaction data [regarding the consumer in view of the received communication from the consumer to establish] a context <u>for</u> [of] the [received] communication <u>received</u> from the consumer.

2. The method of claim 1, wherein the communication <u>through the device</u> [from the consumer] is received via [any one of a plurality of] <u>an</u> access channel[s].

3. The method of claim 1, further comprising [the step of]:

<u>mining the</u> [obtaining] interaction data from previous consumer to business interactions <u>to generate historical interaction data</u>; and

the [step of storing] <u>storage of</u> historical interaction data between a

consumer and a business includes storing the <u>mined</u> interaction data from the

previous consumer to business interactions in the historical interaction database.

4. The method of claim 1, further comprising [the step of]:

    <u>transmitting</u> [presenting] the historical interaction data to the <u>device</u>

<u>through which the communication was received</u> [consumer].

5. The method of claim 4, wherein the <u>transmission of</u> [step of presenting] the

historical interaction data to the consumer includes providing the historical

interaction data to the consumer in a consumer actionable format <u>at the device</u>

<u>through which the communication was received</u>.

6. Please cancel claim 6.

7. The method of claim 6, wherein the <u>communication</u> [auxiliary data] includes

consumer identification data.

8. A method of interaction between a business and a consumer comprising [the

steps of]:

    maintaining a database of past interaction data from previous consumer to

business interactions;

    receiving an interaction initiation <u>having interaction data</u> from a consumer;

accessing in accordance with the received interaction data past interaction

data regarding the consumer from the database of past interaction data;

[processing selective past interaction data regarding the consumer in view

of the interaction initiation;] and;

generating [establishing] a context [of the interaction initiation based on

the processed] from the past interaction data regarding the consumer that was

accessed in accordance with [and] the received interaction data [initiation].

9. The method of claim 8, wherein the interaction initiation is received via [any

one of a plurality of] an access channel[s].

10. The method of claim 8, further comprising [the steps of]:

mining the [obtaining] interaction data from previous consumer to business

interactions to generate historical interaction data; and

the maintenance [step] of [maintaining] past interaction data includes

storing the mined interaction data [from the previous consumer to business

communications and interactions] in the past interaction database.

11. The method of claim 1, further comprising [the step of]:

presenting the generated context [processed past interaction data] to the

consumer.

12. The method of claim 11, wherein the presentation [step] of [presenting] the generated context [processed past interaction data] to the consumer includes providing the generated context [processed past interaction data] to the consumer in a consumer actionable format.

13. A method for generating context for [of establishing context of] an e-mail from a consumer to a business regarding an Internet site of the business, the method comprising [the steps of]:

receiving an e-mail originating from an Internet terminal of a consumer, the e-mail having consumer identification data and consumer Internet session history data regarding an Internet site of the business;

accessing in accordance with the consumer identification data stored historical interaction data regarding the consumer [based on the customer identification data;

reviewing the customer Internet session history data; and

determining a context in which to present] generating a response to the e-mail in accordance with [based on] the consumer [customer] identification data, the consumer [customer] Internet session history data, and the accessed historical interaction data [e-mail].

14. Please cancel claim 14.

15. The method of claim 13, further comprising [the following step before the step of receiving an e-mail from a customer]:

automatically generating a template e-mail on the Internet terminal of the consumer in response to [upon] the consumer selecting an e-mail link on the business Internet site, the template e-mail including the consumer [customer] identification data and the consumer [customer] Internet session history.

16. The method to claim 15, further comprising [the step of]:

automatically invoking an e-mail program on the Internet terminal of the consumer in response to the consumer selecting the e-mail link on the business Internet site and providing the template e-mail to the e-mail program.

17. The method of claim 13, further comprising [the steps of]:

mining [obtaining] interaction data from previous consumer to business interactions; and

storing the mined interaction data from the previous consumer to business interactions in a historical interaction database.

18. An apparatus for establishing a context of an interaction between a consumer and a business comprising:

a data storage adapted to retain historical consumer to business interaction data regarding a consumer;

means for receiving a communication from the consumer; and

a <u>context generator for generating a context for the communication</u>

<u>received from the consumer, the context being generated in accordance with</u>

<u>historical consumer to business interaction data accessed in accordance with</u>

<u>data obtained from the consumer communication</u> [processing unit adapted to i)

access the historical interaction data regarding the consumer upon receipt of the

communication from the consumer, and ii) process selective historical interaction

data regarding the consumer in view of the received communication from the

consumer to establish a context of the received communication from the

consumer].

19. The apparatus of claim 18, further comprising:

means for providing a response to the communication <u>received</u> from the

consumer, <u>the response incorporating data from the generated context</u> [based on

the established context of the received communication from the consumer].

20. The apparatus of claim 18, wherein the means for receiving a

communication from the consumer is <u>coupled to an</u> [operable to receive the

communication from the consumer from any one of a plurality of] access

channel[s].